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CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,

vs.

Marco Rodriguez,
Counts 1, 3, 7

Damian Espinoza-Gonzalez,
Counts 1, 5, 8

Heberto Perez,
Counts 1, 2

Victor Gonzalez,
Counts 1, 4

Jose Diaz,
Counts 1, 4

Paul Williams,
Counts 1, 6

Jaime Valdez-Vega,
Count 1

Defendants.

SUPERSEDING
INDICTMENT

CR19-1092-TUC-RM-BGM

Violations:

18 U.S.C. § 371
(Conspiracy)
Count 1

18 U.S.C. § 554(a)
(Smuggling Goods From the United
States)
Counts 1-6

18 U.S.C. § 1956(a)(2)(A)
(Money Laundering)
Counts 7, 8

18 U.S.C. §§ 924(d), 981(a)(1)(C),
982(a)(1); and 28 U.S.C. § 2461(c)
(Forfeiture Allegation)

THE GRAND JURY CHARGES:

COUNT 1

From on or about March 2019 through on or about April 2019, at or near Nogales,
Rio Rico, Tucson, Phoenix, and elsewhere within the District of Arizona, MARCO

1 RODRIGUEZ, DAMIAN ESPINOZA-GONZALEZ, HEBERTO PEREZ, VICTOR
 2 GONZALEZ, JOSE DIAZ, PAUL WILLIAMS, and JAIME VALDEZ-VEGA did
 3 knowingly and intentionally combine, conspire, confederate, and agree together and with
 4 persons known and unknown to the grand jury, to commit offenses against the United
 5 States, that is: to knowingly export and send from the United States, and attempt to export
 6 and send from the United States, any merchandise, article, or object, contrary to any law
 7 or regulation of the United States, and to receive, conceal, buy, sell, and in any manner
 8 facilitate the transportation, concealment, and sale of such merchandise, article or object,
 9 knowing the same to be intended for exportation contrary to any law or regulation of the
 10 United States; in violation of Title 18, United States Code, Section 554(a).

11 **Purpose of the Conspiracy**

12 The purpose of this conspiracy was to commit, and assist in the commission of,
 13 the unlawful smuggling of firearms and ammunition from the United States into the
 14 Republic of Mexico. The firearms and ammunition smuggled or intended to be smuggled
 15 in the course of this conspiracy include:

- 16 • 17,000 rounds of 9mm caliber ammunition
- 17 • 17,000 rounds of .223 caliber ammunition
- 18 • 41,000 rounds of 7.62x39mm caliber ammunition
- 19 • 2,000 rounds of 5.7x28mm caliber ammunition
- 20 • one Glock 19C Gen 4 9mm pistol
- 21 • one Beretta 92FS 9mm pistol
- 22 • one Colt Government 9mm caliber pistol
- 23 • one Pioneer Arms Hellpup 7.62x39mm caliber pistol
- 24 • one Romarm/Cugir Draco 7.62x39mm caliber pistol
- 25 • one Omni Hybrid .300 Blackout caliber pistol
- 26 • one Diamondback DB15 .223/5.56 caliber rifle
- 27 • one Bushmaster XM15-E25 .223/5.56 caliber rifle

28 **The Means and Methods of the Conspiracy**

The means and methods employed by the defendants and their co-conspirators
 to carry out the conspiracy and effect its unlawful objects are as follows:

It was part of the conspiracy that certain defendants would purchase firearms
 and ammunition in the District of Arizona.

1 It was a further part of the conspiracy that the defendants and/or their co-
2 conspirators would provide the funds, instructions, and means of transportation and
3 concealment to facilitate the purchase of these firearms and ammunition.

4 It was a further part of the conspiracy that the defendants and/or their co-
5 conspirators would transport these firearms and ammunition within the District of Arizona
6 with the knowledge that the firearms and ammunition were intended to ultimately be
7 transported from the United States into the Republic of Mexico, and/or transport the
8 firearms and ammunition from the United States into the Republic of Mexico.

9 It was a further part of the conspiracy that the defendants and/or their co-
10 conspirators did not have any valid license or other authority to export the firearms and
11 ammunition from the United States into the Republic of Mexico.

12 **Overt Acts**

13 In furtherance of the conspiracy, one or more of the co-conspirators committed,
14 or caused to be committed, the overt acts described below:

15 In October of 2018, Marco Rodriguez met with a co-conspirator in Mexico and
16 agreed to assist in smuggling firearms and ammunition from the United States into Mexico
17 in exchange for monetary compensation.

18 Beginning in January of 2019, Marco Rodriguez purchased bulk ammunition from
19 retailers in Arizona with funds and directions provided to him by co-conspirators in
20 Mexico, for the purpose of smuggling the ammunition from the United States into Mexico.

21 On February 2, 2019, Marco Rodriguez purchased one FN Herstal model SCAR
22 17S .308 caliber rifle in Tucson for \$3,250.13 in cash.

23 On March 5, 2019, Marco Rodriguez purchased a total of 14,050 rounds of
24 ammunition (4,050 rounds of .45 ACP caliber, 4,000 rounds of .38 Super caliber, 3,000
25 rounds of 9mm caliber, 1,000 rounds of 5.56 NATO caliber, and 2,000 rounds of .223
26 Remington caliber) in Phoenix for \$3,914.13 in cash.

1 On March 8, 2019, Marco Rodriguez purchased a total of 12,000 rounds of
2 ammunition (7,000 rounds of 7.62x39mm caliber and 5,000 rounds of 9mm caliber) in
3 Phoenix for \$2,469.96 in cash.

4 On March 21, 2019, Marco Rodriguez purchased a total of 9,000 rounds of
5 ammunition (5,000 rounds of 7.62x39mm caliber, 2,000 rounds of .45 ACP caliber, and
6 2,000 rounds of .40 S&W caliber), five AK-47 type 75-round drum magazines, and five
7 Mini 14 magazine loaders, in Phoenix for \$2,811.57 in cash.

8 On March 23, 2019, Marco Rodriguez purchased a total of 11,020 rounds of
9 ammunition (5,000 rounds of .45 ACP caliber, 1,000 rounds of .40 S&W caliber, and 5,020
10 rounds of 7.62x39mm caliber), one AK-47 type 40-round magazine, and one Century Arms
11 model Micro Draco 7.62x39mm caliber pistol, in Phoenix for \$3,874.02 in cash.

12 On March 30, 2019, Marco Rodriguez purchased a total of 9,000 rounds of
13 ammunition (5,000 rounds of 7.62x39mm caliber and 4,000 of .223 Remington caliber) in
14 Phoenix for \$2,151.14 in cash.

15 In March of 2019, Marco Rodriguez transported the ammunition he purchased in
16 Phoenix with cash provided by co-conspirators in Mexico, to Nogales, Arizona, where he
17 provided the ammunition to another co-conspirator for the purpose of smuggling the
18 ammunition into Mexico.

19 On April 1, 2019, Marco Rodriguez traveled to Mexico where he met with a co-
20 conspirator who provided additional cash and directions to obtain additional ammunition
21 for the purpose of smuggling the ammunition into Mexico.

22 On April 2, 2019, Marco Rodriguez purchased a total of 10,000 rounds of
23 ammunition (5,000 rounds .223 Remington caliber and 5,000 rounds of 7.62x39mm
24 caliber) in Phoenix for \$2,599.70 in cash. In connection with this purchase, Rodriguez
25 communicated with a co-conspirator in Mexico and arranged for another co-conspirator to
26 take possession of the ammunition and smuggle it into Mexico.

27 On April 8, 2019, Victor Gonzalez and Jose Diaz traveled from Nogales to Phoenix,
28 where they purchased a total of 10,000 rounds of ammunition (7,000 rounds of 7.62x39mm

1 caliber, 2,000 rounds of .223 caliber, and 1,000 rounds of 9mm caliber). Gonzalez and
2 Diaz received cash and directions for the purchase of this ammunition from the same co-
3 conspirator in Mexico. Gonzalez and Diaz made arrangements with the co-conspirator in
4 Mexico for another co-conspirator to take possession of the ammunition from Gonzalez
5 and Diaz in Nogales and smuggle it into Mexico. Gonzalez and Diaz transported the
6 ammunition from Phoenix to Tucson in in a vehicle owned by Damian Espinoza-Gonzalez,
7 in furtherance of the smuggling venture.

8 On April 22, 2019, Paul Williams and Jaime Valdez-Vega made arrangements to
9 smuggle ammunition into Mexico.

10 On April 23, 2019, pursuant to the arrangements with Jaime Valdez-Vega, Paul
11 Williams purchased 20,000 rounds of ammunition in Tempe.

12 On April 24, 2019, Paul Williams transported the 20,000 rounds of ammunition he
13 purchased to Nogales for the purpose of providing it to a co-conspirator to be smuggled
14 into Mexico, pursuant to previous arrangements made with Jaime Valdez-Vega. On the
15 same date, in Nogales, Damian Espinoza-Gonzalez entered the United States from Mexico
16 on foot and in possession of \$5,000.00 in cash for the purpose of purchasing firearms and
17 ammunition in Phoenix. On the same date, in Nogales, Jaime Valdez-Vega entered the
18 United States from Mexico in a vehicle approximately five minutes after Espinoza-
19 Gonzalez. On the same date, Espinoza-Gonzalez and Valdez-Vega traveled to Phoenix in
20 the vehicle within which Valdez-Vega entered the United States, where Espinoza-Gonzalez
21 purchased eight firearms and 8,000 rounds of ammunition from other individuals with the
22 \$5,000.00 in cash he had transported into the United States from Mexico.

23 On April 25 2019, Damian Espinoza-Gonzalez transported the eight firearms and
24 8,000 rounds of ammunition from Phoenix to Nogales in the vehicle provided by Jaime
25 Valdez-Vega. On the same date, Espinoza-Gonzalez attempted to smuggle the eight
26 firearms (one Glock 19C Gen 4 9mm caliber pistol, one Beretta 92FS 9mm caliber pistol,
27 one Colt Government 9mm caliber pistol, one Pioneer Arms Hellpup 7.62x39mm caliber
28 pistol, one Romarm/Cugir Draco 7.62x39mm caliber pistol, one Omni Hybrid .300

1 Blackout caliber pistol, one Diamondback DB15 .223/5.56 caliber rifle, one Bushmaster
2 XM15-E25 .223/5.56 caliber rifle) and a total of 8,000 rounds of ammunition (6,000
3 rounds of 7.62x39mm caliber and 2,000 rounds of 5.7x28mm caliber) that he had
4 purchased in Phoenix with the \$5,000.00 in cash from Mexico, from the United States into
5 Mexico.

6 All in violation of 18 U.S.C. Section 371.

7 **COUNT 2**

8 On or about March 29, 2019, at or near Tucson, in the District of Arizona,
9 HEBERTO PEREZ knowingly exported and sent from the United States, and attempted to
10 export and send from the United States, any merchandise, article, or object contrary to any
11 law or regulation of the United States, and received, concealed, bought, sold, and in any
12 manner facilitated the transportation, concealment, and sale of such merchandise, article or
13 object, to wit: 6,000 rounds of 9mm caliber ammunition, 10,000 rounds of .223 caliber
14 ammunition, and 13,000 rounds of 7.62x39mm caliber ammunition; knowing the same to
15 be intended for exportation contrary to any law or regulation of the United States, to wit:
16 Title 22, United States Code, Section 2778; Title 22, Code of Federal Regulations, Part
17 121.1; and Title 22, Code of Federal Regulations, Part 123.1; in violation of Title 18,
18 United States Code, Section 554(a).

19 **COUNT 3**

20 On or about April 2, 2019, at or near Tucson, within the District of Arizona,
21 MARCO RODRIGUEZ knowingly exported and sent from the United States, and
22 attempted to export and send from the United States, any merchandise, article, or object
23 contrary to any law or regulation of the United States, and received, concealed, bought,
24 sold, and in any manner facilitated the transportation, concealment, and sale of such
25 merchandise, article or object, to wit: 5,000 rounds of .223 caliber ammunition and 5,000
26 rounds of 7.62x39mm caliber ammunition; knowing the same to be intended for
27 exportation contrary to any law or regulation of the United States, to wit: Title 22, United
28 States Code, Section 2778; Title 22, Code of Federal Regulations, Part 121.1; and Title 22,

1 Code of Federal Regulations, Part 123.1; in violation of Title 18, United States Code,
2 Section 554(a).

3 **COUNT 4**

4 On or about April 8, 2019, at or near Tucson, in the District of Arizona, VICTOR
5 GONZALEZ and JOSE DIAZ knowingly exported and sent from the United States, and
6 attempted to export and send from the United States, any merchandise, article, or object
7 contrary to any law or regulation of the United States, and received, concealed, bought,
8 sold, and in any manner facilitated the transportation, concealment, and sale of such
9 merchandise, article or object, to wit: 7,000 rounds of 7.62x39mm caliber ammunition,
10 2,000 rounds of .223 caliber ammunition, and 1,000 rounds of 9mm caliber ammunition;
11 knowing the same to be intended for exportation contrary to any law or regulation of the
12 United States, to wit: Title 22, United States Code, Section 2778; Title 22, Code of Federal
13 Regulations, Part 121.1; and Title 22, Code of Federal Regulations, Part 123.1; in violation
14 of Title 18, United States Code, Section 554(a).

15 **COUNT 5**

16 On or about April 24, 2019, at or near Rio Rico, in the District of Arizona, PAUL
17 WILLIAMS knowingly exported and sent from the United States, and attempted to export
18 and send from the United States, any merchandise, article, or object contrary to any law or
19 regulation of the United States, and received, concealed, bought, sold, and in any manner
20 facilitated the transportation, concealment, and sale of such merchandise, article or object,
21 to wit: 10,000 rounds of 7.62x39 caliber ammunition and 10,000 rounds of 9mm caliber
22 ammunition; knowing the same to be intended for exportation contrary to any law or
23 regulation of the United States, to wit: Title 22, United States Code, Section 2778; Title
24 22, Code of Federal Regulations, Part 121.1; and Title 22, Code of Federal Regulations,
25 Part 123.1; in violation of Title 18, United States Code, Section 554(a).

26 **COUNT 6**

27 On or about April 25, 2019, at or near Nogales, Phoenix, and elsewhere within the
28 District of Arizona, Damian ESPINOZA-Gonzalez knowingly exported and sent from the

1 United States, and attempted to export and send from the United States, any merchandise,
2 article, or object contrary to any law or regulation of the United States, and received,
3 concealed, bought, sold, and in any manner facilitated the transportation, concealment, and
4 sale of such merchandise, article or object, to wit: one Glock 19C Gen 4 9mm caliber pistol,
5 one Beretta 92FS 9mm caliber pistol, one Colt Government 9mm caliber pistol, one
6 Pioneer Arms Hellpup 7.62x39mm caliber pistol, one Romarm/Cugir Draco 7.62x39mm
7 caliber pistol, one Omni Hybrid .300 Blackout caliber pistol, one Diamondback DB15
8 .223/5.56 caliber rifle, one Bushmaster XM15-E25 .223/5.56 caliber rifle, 6,000 rounds of
9 7.62x39mm caliber ammunition, and 2,000 rounds of 5.7x28mm caliber ammunition;
10 knowing the same to be intended for exportation contrary to any law or regulation of the
11 United States, to wit: Title 22, United States Code, Section 2778; Title 22, Code of Federal
12 Regulations, Part 121.1; and Title 22, Code of Federal Regulations, Part 123.1; in violation
13 of Title 18, United States Code, Section 554(a).

14 **COUNT 7**

15 From on or about February 2, 2019 to on or about April 2, 2019, within the District
16 of Arizona and elsewhere, MARCO RODRIGUEZ did knowingly and willfully transmit
17 or transfer a monetary instrument or funds to a place in the United States from or through
18 a place outside the United States, that is: the Republic of Mexico; with the intent to promote
19 the carrying on of a specified unlawful activity, that is: smuggling of goods from the United
20 States involving items controlled on the United States Munitions List established under
21 Section 38 of the Arms Export Control Act. Specifically, MARCO RODRIGUEZ
22 transported bulk U.S. Currency into the United States from the Republic of Mexico through
23 Nogales, Arizona, with the knowledge and intent that these funds were to be used to engage
24 in monetary transactions affecting interstate and foreign commerce, that is: the
25 procurement of firearms and ammunition that were to be illegally exported into the
26 Republic of Mexico. MARCO RODRIGUEZ knew that the funds were intended to
27 promote the carrying on of specified unlawful activity, that is: Smuggling Goods From the
28 United States, contrary to law and regulation of the United States, that is: Title 18, United

1 States Code, Section 554(a), Title 22, United States Code, Section 2778, and 22 C.F.R.
2 Parts 121.1 and 123.1. The transfers of monetary instruments and funds from the country
3 of Mexico to the United States involved the amount of \$21,951.31; all in violation of Title
4 18, United States Code, Section 1956(a)(2)(A).

5 **COUNT 8**

6 On or about April 24, 2019, within the District of Arizona and elsewhere, Damian
7 ESPINOZA-Gonzalez did knowingly and willfully transmit or transfer a monetary
8 instrument or funds to a place in the United States from or through a place outside the
9 United States, that is: the Republic of Mexico; with the intent to promote the carrying on
10 of a specified unlawful activity, that is: smuggling of goods from the United States
11 involving items controlled on the United States Munitions List established under Section
12 38 of the Arms Export Control Act. Specifically, Damian ESPINOZA-Gonzalez
13 transported bulk U.S. Currency into the United States from the Republic of Mexico through
14 Nogales, Arizona, to Phoenix, Arizona, with the knowledge and intent that these funds
15 were to be used to engage in monetary transactions affecting interstate and foreign
16 commerce, that is: the procurement of firearms and ammunition that were to be illegally
17 exported into the Republic of Mexico. Damian ESPINOZA-Gonzalez knew that the funds
18 were intended to promote the carrying on of specified unlawful activity, that is: Smuggling
19 Goods From the United States, contrary to law and regulation of the United States, that is:
20 Title 18, United States Code, Section 554(a), Title 22, United States Code, Section 2778,
21 and 22 C.F.R. Parts 121.1 and 123.1. The transfers of monetary instruments and funds from
22 the country of Mexico to the United States involved the amount of \$5,000.00; all in
23 violation of Title 18, United States Code, Section 1956(a)(2)(A).

24 **FORFEITURE ALLEGATION**

25 Upon conviction of one or more of the offenses alleged in Counts 1 through 8 of
26 this Superseding Indictment, the defendants, MARCO RODRIGUEZ, DAMIAN
27 ESPINOZA-GONZALEZ, HEBERTO PEREZ, VICTOR GONZALEZ, JOSE DIAZ,
28 PAUL WILLIAMS, and JAIME VALDEZ-VEGA, shall forfeit to the United States:

1 a) pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28,
 2 United States Code, Section 2461(c), any property, real or personal, which constitutes or
 3 is derived from proceeds traceable to violations of Title 18, United States Code, Sections
 4 371 and 554, or a conspiracy to commit such offenses; and

5 b) pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28,
 6 United States Code, Section 2461(c) any firearms and ammunition involved in or used in
 7 a violation of Title 18, United States Code, Section 554, including, but not limited to:

- 8 • 17,000 rounds of 9mm caliber ammunition
- 9 • 17,000 rounds of .223 caliber ammunition
- 10 • 41,000 rounds of 7.62x39mm caliber ammunition
- 11 • 2,000 rounds of 5.7x28mm caliber ammunition
- 12 • one Glock 19C Gen 4 9mm caliber pistol
- 13 • one Beretta 92FS 9mm caliber pistol
- 14 • one Colt Government 9mm caliber pistol
- 15 • one Pioneer Arms Hellpup 7.62x39mm caliber pistol
- 16 • one Romarm/Cugir Draco 7.62x39mm caliber pistol
- 17 • one Omni Hybrid .300 Blackout caliber pistol
- 18 • one Diamondback DB15 .223/5.56 caliber rifle
- 19 • one Bushmaster XM15-E25 .223/5.56 caliber rifle

20 c) pursuant to Title 18, United States Code, Section 982 (a)(1), any property,
 21 real or personal, involved in the transfers of monetary instruments and funds from the
 22 country of Mexico to the United States, in the amount of not less than \$26,951.31 in United
 23 States currency, which represents the proceeds of a specified unlawful activity, namely:
 24 Laundering of Monetary Instruments, in violation of Title 18, United States Code, Section
 25 1956 (a)(2)(A), as set forth in Counts 7 and 8 of this Superseding Indictment.

26 If any of the property described above, as a result of any act or omission of the
 27 defendants: a) cannot be located upon the exercise of due diligence; b) has been transferred
 28 or sold to, or deposited with, a third party; c) has been placed beyond the jurisdiction of
 the court; d) has been substantially diminished in value; or e) has been commingled with
 other property which cannot be divided without difficulty, it is the intent of the United
 States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title
 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said

1 defendants up to the value of the above forfeitable property, including, but not limited to,
2 all property, both real and personal, owned by the defendants.

3 All pursuant to Title 18, United States Code, Sections 924(d)(1), 981(a)(1)(C);
4 982(a)(1), and Title 28, United States Code, Section 2461(c) and Rule 32.2(a), Federal
5 Rules of Criminal Procedure.

6
7 A TRUE BILL

8 **/s/**

9
10 Presiding Juror

11 MICHAEL BAILEY
12 United States Attorney
District of Arizona

13 **/s/**

14 Assistant U.S. Attorney

15 Dated: May 22, 2019

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**REDACTED FOR
PUBLIC DISCLOSURE**